

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,
Plaintiff,

v.

NOTICE OF MOTION

FRANK R. PARLATO, JR.,
Defendant.

Case No.: 15-cr-149(RJA)

S I R S :

PLEASE TAKE NOTICE, that upon the annexed affidavit of Herbert L. Greenman, Esq. the undersigned moves this Court for an Order permitting defendant Frank Parlato to waive his appearance at a status conference to set a sentencing date on April 3, 2023 together with such other and further relief as to this Court may seem just and proper.

DATED: Buffalo, New York
March 28, 2023

Respectfully submitted,

/s/Herbert L. Greenman

HERBERT L. GREENMAN, ESQ.
PAUL J. CAMBRIA, JR., ESQ.,
Attorneys for Defendant
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

AFFIDAVIT

Case No.: 15-cr-149(RJA)

FRANK R. PARLATO, JR., et al

Defendant.

STATE OF NEW YORK)
COUNTY OF ERIE)ss
CITY OF BUFFALO)

HERBERT L. GREENMAN, being duly sworn, depose and say:

- 1) I am an attorney for the defendant Frank R. Parlato, Jr. and I am co-counsel with Paul J. Cambria, Jr.
- 2) By Order of Senior United States District Judge Richard J. Arcara a status conference is scheduled in person before Judge Arcara for April 3, 2023.
- 3) Mr. Parlato resides in Florida. It would be a considerable expense for him to fly to Buffalo for purposes of the status conference.
- 4) Mr. Parlato has been made aware of the purpose of the meeting and of his right to appear. He has advised that he wishes to waive his appearance for purposes of a status conference.
- 5) Assistant United States Attorney Michael DiGiacomo has advised counsel that he has no objection to Mr. Parlato waiving his right to be present.

WHEREFORE, your deponent prays that this Court issue an Order accordingly.

/s/Herbert L. Greenman

HERBERT L. GREENMAN, ESQ.

Subscribed and sworn to before me this
28th day of March, 2023

/s/Elizabeth M. Jagord-Ward

Notary Public State of New York,
Qualified in Erie County
My Commission Expires October 31, 2026.